

**Minutes of the Government Records Council  
Closed Session Meeting of October 28, 2005**

**Second Closed Session – In Camera Proceedings**

The Council convened in closed session at 11:20 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey.

The Council proceeded to conduct the *in camera* inspections.

**John Paff v. Township of Plainsboro (2005-29)**

**In Attendance:** Council Members: Vice-Chair Diane Schonyers, Secretary DeAnna Minus-Vincent, Robin Berg Tabakin; GRC Staff: Executive Director - Paul Dice, Assistant Executive Director - Gloria Luzzatto, Colleen McGann - Case Manager, Catherine Starghill – In-House Counsel; Deputy Attorney General - Debra Allen

Distributed case summary to Council Members and staff; reviewed events bringing case before the Council for *in camera* review of documents; read applicable laws and regulations cited by the Custodian.

Reviewed the one page unredacted minutes of the Executive Session for October 27, 2005 with the redacted minutes provided to the Complainant. The Council concluded that while the Custodian had not presented the correct lawful basis for non-disclosure, the Council had an obligation and duty to apply the provisions of the OPRA. The Council concluded that the provisions of N.J.S.A. 10:4-12.b.(8) of the Open Public Meetings Act and N.J.S.A. 47:1A-9 were applicable in this case and the redacted portions of the minutes were not disclosable.

**Martin O'Shea v. West Milford Board of Education (2004-93)**

**In Attendance:** Council Members: Vice-Chair Diane Schonyers, Secretary DeAnna Minus-Vincent, Robin Berg Tabakin; GRC Staff: Executive Director - Paul Dice, Assistant Executive Director - Gloria Luzzatto, Catherine Starghill – In-House Counsel; Deputy Attorney General - Debra Allen

Distributed case summary to Council Members and staff and copy of the draft executive session minutes of June 22, 2004; reviewed events bringing case before the Council for *in camera* review of documents. Read the applicable laws/reasons cited by the Custodian for denial of access to the handwritten notes. Asserted exemptions: Advisory, consultative and deliberative material and common law.

Review of the unredacted document contained in the sealed envelope presented to the Council at the October 13, 2005 meeting and the draft executive session minutes of June 22, 2004 provided to the Complainant:

- Handwritten notes of the Secretary, Steve Cea taken at the June 22, 2004 executive session – 1 page

- Draft executive session minutes of June 22, 2004

The Council concluded that the handwritten notes were ACD as the notes represented opinions of the author and did not reflect the Board's opinion as set forth in the draft minutes.

The Council noted that its determination a revision of the Council's previous decision and sought legal advice on the procedure for implementing a revised decision.

Closed Session for the *in camera* inspections commenced at 11:20 a.m. and concluded at 12:15 p.m.

Respectfully submitted,



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DeAnna Minus-Vincent, Secretary

Dated Approved: April 11, 2006